



*State of New Jersey*

**DEPARTMENT OF HUMAN SERVICES**

Division of Family Development

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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 14140-14 S.P.

AGENCY DKT. NO. V564484 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On November 12, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On November 14, 2014, the ALJ issued an Initial Decision reversing the Agency determination.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I ADOPT the Initial Decision and REVERSE the Agency determination.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. N.J.A.C. 10:90-6.1(a). However, recipients who are terminated without good cause from a hotel/motel EA placement as a result of the recipient's actions including, but not limited to, threatening and/or disruptive behavior affecting the operations of the shelter or the safety of the other residents, shall be ineligible for EA for a period of six months. N.J.A.C. 10:90-6.3(c)(3).

In the present matter, the Petitioner was denied EA because he was evicted from his EA shelter placement. The Agency contends that Petitioner was evicted from the shelter due to disorderly conduct. However, neither the Agency nor the shelter was able to substantiate the nature of the disorderly conduct claim. During the hearing, the Petitioner testified that he did not engage in disorderly conduct. Rather, the Petitioner complained to the shelter operator about bedbugs and was subsequently evicted. The ALJ found the Petitioner's testimony to be credible. As such, the ALJ concluded, and I agree, that Petitioner's homelessness is the result of circumstances beyond his control. The Agency shall immediately provide Petitioner with an appropriate form of EA benefits to resolve his emergent situation.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby REVERSED.

**NOV 28 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director